

# **EXHIBIT B**

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**From:** Andrew S. Bruns  
**Sent:** Monday, May 24, 2021 5:15 PM  
**To:** Ercolini, Michael  
**Cc:** kvp-singular; wgs-singularv.google@wolfgreenfield.com; abhansali@kblfirm.com; nspeed@wolfgreenfield.com; singular@princelobel.com  
**Subject:** RE: 1:19-cv-12551-FDS Singular LLC v. Google LLC - 30(b)(6) Notice

Michael,

I'm writing to follow-up on your note below that Singular would be providing an update on the scope of certain 30(b)(6) topics based on our meet and confer on May 14. Can you provide an update on the status of those efforts?

Given our productive conversation on May 14, during which both parties agreed to compromise on a number of topics, we would propose that Singular serve an amended deposition notice this week and Google can provide amended responses and objections next week.

Best,  
Andy

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**Andrew Bruns**

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San Francisco, CA 94111-1809  
415 962 8821 direct | 415 391 5400 main  
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**From:** Ercolini, Michael <mercolini@princelobel.com>  
**Sent:** Friday, May 14, 2021 10:04 PM  
**To:** Andrew S. Bruns <ABruns@keker.com>  
**Cc:** kvp-singular <kvpsingular@keker.com>; wgs-singularv.google@wolfgreenfield.com; abhansali@kblfirm.com; nspeed@wolfgreenfield.com; singular@princelobel.com  
**Subject:** RE: 1:19-cv-12551-FDS Singular LLC v. Google LLC - 30(b)(6) Notice

[EXTERNAL]

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Matthias and Andrew,

Following up on our call this afternoon, we wanted to confirm the dates for the depositions of Ms. Wall on June 2; Mr. Laudon on June 3; and Mr. Teller on July 9. We also look forward to receiving dates for Mr. Dean and Mr. Jouppi by this Tuesday, May 18. We will follow up soon with a summary of our current disputes with respect to the scope of certain 30(b)(6) topics, though we understand from our discussion today that Mr. Dean, at least, is unlikely to be designated for any of the disputed topics.

Best regards,

**Michael J. Ercolini**  
617 456 8084 direct | [mercolini@princelobel.com](mailto:mercolini@princelobel.com)

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**From:** Ercolini, Michael  
**Sent:** Friday, May 14, 2021 12:56 PM  
**To:** Andrew S. Bruns <[abruns@keker.com](mailto:abruns@keker.com)>  
**Cc:** [kvpsingular@keker.com](mailto:kvpsingular@keker.com); [wgs-singularv.google@wolfgreenfield.com](mailto:wgs-singularv.google@wolfgreenfield.com); [abhansali@kblfirm.com](mailto:abhansali@kblfirm.com); [nspeed@wolfgreenfield.com](mailto:nspeed@wolfgreenfield.com); Singular <[Singular@princelobel.com](mailto:Singular@princelobel.com)>  
**Subject:** Re: 1:19-cv-12551-FDS Singular LLC v. Google LLC - 30(b)(6) Notice

Andrew,

Please find a link for the Zoom call starting at 1 pm EST.

Michael Ercolini is inviting you to a scheduled Zoom meeting.

Topic: Michael Ercolini's Personal Meeting Room

Join Zoom Meeting  
<https://us02web.zoom.us/j/9305290387>

Meeting ID: 930 529 0387  
One tap mobile  
+19292056099,,9305290387# US (New York)  
+13017158592,,9305290387# US (Washington DC)

Dial by your location  
+1 929 205 6099 US (New York)  
+1 301 715 8592 US (Washington DC)  
+1 312 626 6799 US (Chicago)  
+1 669 900 6833 US (San Jose)  
+1 253 215 8782 US (Tacoma)  
+1 346 248 7799 US (Houston)

Meeting ID: 930 529 0387  
Find your local number: <https://us02web.zoom.us/j/kcJliq3UjA>

Thank you,

**Michael Ercolini**  
**Prince Lobel Tye LLP**  
d: (617) 456-8084  
m: (617) 775 1489

On May 13, 2021, at 3:01 PM, Andrew S. Bruns <[abruns@keker.com](mailto:abruns@keker.com)> wrote:

Michael,

We now have a conflict at 9:30am tomorrow and need to start our meet and confer call at 10am PT.

Thanks,  
Andy

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**Andrew Bruns**

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**From:** Andrew S. Bruns <[ABruns@keker.com](mailto:ABruns@keker.com)>  
**Sent:** Wednesday, May 12, 2021 7:58 PM  
**To:** Ercolini, Michael <[mercolini@princetonobel.com](mailto:mercolini@princetonobel.com)>  
**Cc:** kvp-singular <[kvpsingular@keker.com](mailto:kvpsingular@keker.com)>; [wgs-singularv.google@wolfgreenfield.com](mailto:wgs-singularv.google@wolfgreenfield.com);  
[abhansali@kblfirm.com](mailto:abhansali@kblfirm.com); [nspeed@wolfgreenfield.com](mailto:nspeed@wolfgreenfield.com); [singular@princetonobel.com](mailto:singular@princetonobel.com)  
**Subject:** RE: 1:19-cv-12551-FDS Singular LLC v. Google LLC - 30(b)(6) Notice

Michael,

Given that there are six individual depositions that you have currently noticed, some of whom are likely corporate designees, it is not reasonable to expect that that all six depositions will be able to take place in next three weeks. That said, we are working diligently to identify dates for the individuals you have noticed for deposition. As a starting point, Obi Felton is available for deposition on May 28 at 9 am PT. We hope to have secured dates for Astro Teller and James Laudon later this week. And before scheduling Jenn Wall, we wanted to see if you are still intent on taking that deposition in light of the deposition of Catherine Tornabene.

As a procedural matter, with the sole exception of your production of all Google-related documents, we disagree that the issues raised in our motion for protective order are moot. As you know, in our motion we also objected to proceeding with the depositions of any individuals who may be corporate designees until the parties are able to resolve the scope of the 30(b)(6) topics. We served our responses and objections earlier today and are scheduled for a related meet-and-confer call on Friday at 9:30am PT. Depending on the progress we make in our meet and confer, we can finalize our potential designees and produce one or more of the individuals you've noticed for deposition. As it stands, because both Norm Jouppe and Jeff Dean are potential 30(b)(6) witnesses, we are awaiting resolution of the 30(b)(6) topics before proceeding with scheduling their depositions.

We will look for your email with dial-in information for Friday and will look forward to that conversation.

Best,  
Andy

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**Andrew Bruns**

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**From:** Ercolini, Michael <[mercolini@princelobel.com](mailto:mercolini@princelobel.com)>  
**Sent:** Wednesday, May 12, 2021 11:47 AM  
**To:** Andrew S. Bruns <[ABruns@keker.com](mailto:ABruns@keker.com)>  
**Cc:** kvp-singular <[kvpsingular@keker.com](mailto:kvpsingular@keker.com)>; [wgs-singularv.google@wolfgreenfield.com](mailto:wgs-singularv.google@wolfgreenfield.com);  
[abhansali@kblfirm.com](mailto:abhansali@kblfirm.com); [nspeed@wolfgreenfield.com](mailto:nspeed@wolfgreenfield.com); [singular@princelobel.com](mailto:singular@princelobel.com)  
**Subject:** RE: 1:19-cv-12551-FDS Singular LLC v. Google LLC - 30(b)(6) Notice

[EXTERNAL]

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Andrew,

We requested a response from Google on fact deposition witnesses as well:

“Please also provide available dates within the next three weeks for each Google fact witness whose deposition has been noticed. We would like to calendar the depositions by no later than Wednesday, May 12.”

Please provide a response on this today. We would also like to inform the Court that the issues concerning fact witnesses that were raised in your motion for a protective order are now moot.

We are available to meet and confer on Friday, May 14 at 9:30 am PST/12:30 pm EST to resolve any objections to the 30(b)(6) notice. Please also have dates ready when we can take the 30(b)(6) deposition.

Barring a resolution of these issues by Friday, May 14, we intend to move, on an emergency basis, to compel Google to produce both its fact witnesses and a 30(b)(6) representative.

We will shortly follow up with a dial-in for the call on Friday at 9:30 am PST.

Best regards,

**Michael J. Ercolini**  
617 456 8084 direct | [mercolini@princelobel.com](mailto:mercolini@princelobel.com)

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**From:** Andrew S. Bruns [[mailto:abruns@keker.com](mailto:mailto:abruns@keker.com)]  
**Sent:** Tuesday, May 11, 2021 7:05 PM  
**To:** Ercolini, Michael <[mercolini@princelobel.com](mailto:mercolini@princelobel.com)>

**Cc:** [kvpsingular@keker.com](mailto:kvpsingular@keker.com); [wgs-singularv.google@wolfgreenfield.com](mailto:wgs-singularv.google@wolfgreenfield.com); [abhansali@kblfirm.com](mailto:abhansali@kblfirm.com); [nspeed@wolfgreenfield.com](mailto:nspeed@wolfgreenfield.com); Singular <[Singular@princelobel.com](mailto:Singular@princelobel.com)>

**Subject:** RE: 1:19-cv-12551-FDS Singular LLC v. Google LLC - 30(b)(6) Notice

Michael,

We are in the process of drafting formal objections to the 30(b)(6) notice you served on May 5 and plan to serve those objections tomorrow. We are not, however, available to meet and confer tomorrow. Please provide times during which you are available in the following windows: Thursday 12-2pm or 3-4:30pm PT or Friday between 9:30am-2pm PT.

Best,  
Andy

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**Andrew Bruns**

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**From:** Ercolini, Michael <[mercolini@princelobel.com](mailto:mercolini@princelobel.com)>

**Sent:** Monday, May 10, 2021 6:56 AM

**To:** Andrew S. Bruns <[ABruns@keker.com](mailto:ABruns@keker.com)>

**Cc:** kvp-singular <[kvpsingular@keker.com](mailto:kvpsingular@keker.com)>; [wgs-singularv.google@wolfgreenfield.com](mailto:wgs-singularv.google@wolfgreenfield.com); [abhansali@kblfirm.com](mailto:abhansali@kblfirm.com); [nspeed@wolfgreenfield.com](mailto:nspeed@wolfgreenfield.com); [singular@princelobel.com](mailto:singular@princelobel.com)

**Subject:** Re: 1:19-cv-12551-FDS Singular LLC v. Google LLC - 30(b)(6) Notice

[EXTERNAL]

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Andrew,

Following up on the below email, please let us know by no later than noon PST this Wednesday, May 12, 2021, whether Google will allow the depositions of Google's fact witnesses to proceed. As we previously noted, Google's sole excuse for not producing the witnesses, i.e., possibility of unfair surprise at the witnesses' having to answer questions about Google documents produced by Singular, is now moot. Please also provide available dates within the next three weeks for each Google fact witness whose deposition has been noticed. We would like to calendar the depositions by no later than Wednesday, May 12.

Please also provide us with Google's formal objections to Singular's 30(b)(6) topics by no later than noon PST on Wednesday, May 12, 2021. We would like to meet and confer with Google about all topics by no later than 2 pm PST on Wednesday. At that point, we also expect Google to provide available dates for the 30(b)(6) deposition to take place no later than within the next three weeks.

Should Google be unwilling to agree to any of the above, please let us know on an item by item basis and in writing by no later than noon PST on Wednesday, May 12, 2021. Please also provide times Google is available on Wednesday, May 12, to meet and confer regarding any non-agreed to items. Should the parties fail to reach agreement on these items following a meet and confer on Wednesday, Singular intends to move on an emergency basis to compel Google to produce its witnesses.

Best regards,

**Michael Ercolini**  
**Prince Lobel Tye LLP**  
d: (617) 456-8084  
m: (617) 775 1489

On May 6, 2021, at 1:00 AM, Ercolini, Michael <[mercolini@princelobel.com](mailto:mercolini@princelobel.com)> wrote:

Andrew,

I'm certain we were at the same hearing on Friday, where the question of exhaustiveness was discussed. I have to assume that you had technical difficulties during that portion of the hearing, and that you missed what was said by Singular and Judge Cabell on this issue. Because otherwise that's a pretty embarrassing amount of presumption you've just shown. I do hope that's not the case, but let me know if your colleagues are unable to refresh your recollection on this issue.

As to the number of topics, we're pretty comfortable with our reduction of more than half of the topics. That said, we are glad to know that we won't see more than 45 topics on Google's 30(b)(6) notice to Singular. In fact, I think we can safely expect substantially fewer based on your feedback.

As for the ESI hit counts, I'm having a difficult time understanding the complaint. We had asked Google to revise the 115 remaining terms down to no more than 20 search strings total, and to narrowly tailor those search strings to specific issues in the case. We asked this in light of the fact that Singular was already producing in response to 376 search terms from Google—which is roughly twenty-two times the number of terms that Singular asked of Google. Instead, what we received on April 12 was an additional 96 search strings—and if you're unclear on how the math works on that, you can disaggregate the terms and see how many you come up with—and a complaint about discrepant hit counts that numbered at least 4500 for individual terms either way. But I'm glad to relate all of this to Ms. Porto tomorrow.

I assume you've by now had a chance to review the modest production from Singular of Google-generated materials that you claimed was holding up fact depositions for Google witnesses. As I mentioned at the hearing, many of those documents were not even responsive to Google's search terms, but as we've now produced them, surely we can safely say that Google's concerns are now moot and we can move forward with those depositions. Please confirm the same as soon as possible. We're very eager to get those depositions started.

Lastly, to expedite the process of addressing objections, we'll assume that Google's objections, which you emphasize have remained unchanged for seven months, remain in place for all previously noticed topics. I think the delta should take considerably less time than a week to serve formal objections, but let us know if that is not the case. As with Google's fact witness, we're eager to get the 30(b)(6) deposition of Google started as soon as possible.

Best regards,

**Michael J. Ercolini**  
617 456 8084 direct | [mercolini@princetonobel.com](mailto:mercolini@princetonobel.com)

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**From:** Andrew S. Bruns [<mailto:abrun@keker.com>]  
**Sent:** Wednesday, May 05, 2021 1:54 PM  
**To:** Ercolini, Michael <[mercolini@princetonobel.com](mailto:mercolini@princetonobel.com)>  
**Cc:** [kvpsingular@keker.com](mailto:kvpsingular@keker.com); [wgs-singularv.google@wolfgreenfield.com](mailto:wgs-singularv.google@wolfgreenfield.com); [abhansali@kblfirm.com](mailto:abhansali@kblfirm.com); [nspeed@wolfgreenfield.com](mailto:nspeed@wolfgreenfield.com); Singular <[Singular@princetonobel.com](mailto:Singular@princetonobel.com)>  
**Subject:** RE: 1:19-cv-12551-FDS Singular LLC v. Google LLC - 30(b)(6) Notice

Michael,

Thank you for providing a revised, exhaustive list of Rule 30(b)(6) topics, per the Court's guidance. We look forward to meeting and conferring with Singular as to the topics for examination. We will not, however, be able to do so during our previously schedule call tomorrow at 1pm ET regarding Singular's ESI. Tomorrow's scheduled call relates to irregularities in Singular's ESI hit counts, which Google raised nearly a month ago without ever receiving a response, and different counsel for Google are handling the two issues.

As to the revised Rule 30(b)(6) notice that you served after 1am ET this morning, we are reviewing and evaluating. However, we need more than a single day to review the proposed topics and discuss with our client. That is particularly true here, given that Singular's revised list remains overlong (46 topics) and many topics on their face do not appear to describe the matters for examination with reasonable particularity, as Rule 30(b)(6) requires. We assume Singular will not object to giving Google adequate time to consider the revised list, given that Singular refused to accept Google's repeated invitations to meet and confer on this issue over the last 7 months. In any event, we are reviewing the revised notice and will provide you with formal written objections next week. We can set a time to meet and confer after you've had time to consider.

Best,  
Andy

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**Andrew Bruns**  
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**From:** Ercolini, Michael <[mercolini@princelobel.com](mailto:mercolini@princelobel.com)>  
**Sent:** Tuesday, May 4, 2021 10:19 PM  
**To:** Andrew S. Bruns <[ABruns@keker.com](mailto:ABruns@keker.com)>  
**Cc:** kvp-singular <[kvpsingular@keker.com](mailto:kvpsingular@keker.com)>; [wgs-singularv.google@wolfgreenfield.com](mailto:wgs-singularv.google@wolfgreenfield.com);  
[abhansali@kblfirm.com](mailto:abhansali@kblfirm.com); [nspeed@wolfgreenfield.com](mailto:nspeed@wolfgreenfield.com); [singular@princelobel.com](mailto:singular@princelobel.com)  
**Subject:** 1:19-cv-12551-FDS Singular LLC v. Google LLC - 30(b)(6) Notice

**[EXTERNAL]**

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Counsel,

Pursuant to the Court's guidance at the parties' hearing on Google's motion for a protective order, we are attaching Singular's 30(b)(6) notice with a revised list of topics. Per the enclosed, the deposition topics have been reduced to 46. As these topics are largely the same as those found in Singular's two prior 30(b)(6) notices, we would like to meet and confer this Thursday to resolve any outstanding issues, so that we may advise the Court that the deposition has been scheduled. We are currently scheduled to meet and confer at 1 pm ET on Thursday, so let's plan to address the revised topics at that time.

Please let us know if you have any questions.

Best regards,

**Michael Ercolini**

Prince Lobel Tye LLP

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